

EXHIBIT A

AFFIDAVIT OF ANTHONY CILLO IN SUPPORT OF BILL OF COSTS

Before me, the undersigned Notary Public, on this day personally appeared Anthony Cillo, known to me, and having been first sworn did then testify under oath as follows:

1. My name is Anthony Cillo and I prepared the Memorandum and Bill of Costs submitted by Baker & Taylor, Inc. in this matter.
2. The total amount requested for the fees of the Clerk is \$150. This represents the fee for removing this case to federal court.
3. The total amount requested for transcript fees is \$4,019.23. This amount represents fees for depositions of the following witnesses:
 - (a) Paul Huang (\$42.63);
 - (b) Arnold Wight (\$1,382.75);
 - (c) Charge for playing video deposition during trial (\$224.70);
 - (d) Gary Gill (\$176.50);
 - (e) David Massaro (\$520.50);
 - (f) David Massaro (\$466.25);
 - (g) Mary Cubakovic (\$344.85);
 - (h) Marc Battistone (\$617.55); and
 - (i) Cheryl O'Malley (\$243.50).

Documents evidencing these fees are attached as Exhibit 1.

4. The total amount requested for witness fees is \$436.41. This amount represents witness fees paid to the following witnesses and the expense of service one subpoena:
 - (a) Cheryl O'Malley (\$50 on 2/21/01);
 - (b) Marc Battistone (\$50 on 4/4/03);

- (c) Gary Gill (\$50 on 4/4/03).
- (d) Joseph Massaro (\$50 on 4/4/03);
- (e) David Massaro (\$50 on 4/4/03);
- (f) Cheryl O'Malley (\$45 on 4/8/03);
- (g) Fees for service of Subpoena on Cheryl O'Malley (\$46.41);
- (h) Cheryl O'Malley (\$45 on 1/7/04); and
- (i) David Massaro (\$50 on 1/7/04).

Attached as Exhibit 2 is a copy of pages from my firm's Cost Detail Report reflecting payment of these fees (relevant entries circled).

5. The total amount requested for exemplification and copies necessarily obtained for use in the case is \$4,383.15. This represents \$193.50 for photocopying and \$4,189.65 for computer aided graphics and demonstrative exhibits.

Baker & Taylor's total photocopying costs exceeded \$4,000. However, as costs for taxation against Massaro it seeks only the following:

- (a) Documents produced by Equitable (408 pages x \$.10 per copy = \$40.80);
- (b) Documents produced to Massaro on 8/28/00 (171 pages x \$.10 per page = \$17.10);
- (c) Documents produced by Dick's (327 x \$.10 per page = \$32.70);
- (d) Exhibits filed in support of partially successful motion for summary judgment (196 pages x \$.10 per page = \$19.60); and
- (e) Plaintiff's Trial Exhibits (833 pages x \$.10 = \$83.30).

The per page rate used in these calculations is my firm's cost of ten cents per page for in-house copying.

Baker & Taylor also incurred costs in the amount of \$4,189.65 for computer graphics and demonstrative exhibits which it used during trial. Invoices evidencing those costs are attached as Exhibit 3.

6. The Docket Fees pursuant to 28 U.S.C. §1923 total \$27.50. This represents \$20 for the trial (28 U.S.C. §1923(a)) and \$2.50 each for three depositions admitted into evidence (O'Malley, Wight and Joseph Massaro) (28 U.S.C. §1923(a)).

7. The total costs for transcripts necessary to determine the appeal is \$986.70. These costs represent payments to the court reporters for the trial transcripts that were included as part of the reproduced record on appeal. Excerpts from my firm's Cost Detail Report reflecting these payments are attached as Exhibit 4 (relevant entries circled).

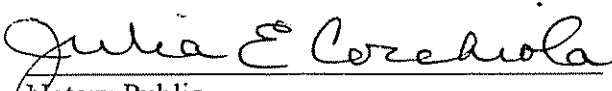
8. On February 17, 2004, Baker & Taylor filed its Notice of Appeal and paid a \$255.00 fee to the Clerk. The portion of this fee for the filing fee that is taxed in the District Court is \$5.00. Attached as Exhibit 5 is a receipt reflecting payment of the \$255 fee.

The costs and disbursements described above are correct and have been necessarily incurred in this action. In addition, the services described for which costs have been incurred were actually and necessarily performed.

Executed this 27th day of January, 2006.


Anthony Cillo
Cohen & Grigsby, P.C.

Subscribed and sworn to before me
this 27th day of January, 2006.


Notary Public

